THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 1886 of 2006

Dated:01.02.2006

Between:

Society for Humanity

(Regd.Voluntary Organisation)

Kurnool.

..... PETITIONER

AND

The Under Secretary to Government of

India, Department of Secondary Education

& Higher Education (Sch-IV), Government

of India, Sastry Bhyavan, New Delhi.

.....RESPONDENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.1886 of 2006

ORDER:

This writ petition is filed with a prayer to direct the respondent to consider the representation of the petitioner, dated 18.07.2005, for reimbursement of the amounts spent by it for running the Girl students hostel for the years 2001-2002 and 2002-2003. The petitioner is a voluntary Organisation. It claims to have established a hostel for girl students. The Government of India framed a scheme for providing financial assistance to the voluntary organizations which establish and run girl students hostels. The petitioner is said to have been extended such benefit for the year 2000-2001.

Complaining that its claim for the years 2001-2002 and 2002-2003 was not considered by the respondent, the petitioner filed W.P.No.12180 of 2004 seeking directions as to reimbursement. The said writ petition was disposed of on 15.07.2004, with a direction to the respondent to consider and dispose of the representations made by the petitioner expeditiously. The petitioner got issued a contempt notice, dated 08.02.2005, alleging that the orders issued by this Court in W.P.No.12180 of 2004 were not complied with.

The petitioner alleges that the respondent is under obligation to release the amounts for the two years referred to above, and there is no justification for refusal to release the said amount.

Heard the learned counsel for the petitioner and the learned Standing counsel for the respondent.

It is not in dispute that in respect of the claim for the years 2001-2002 and 2002-2003, the petitioner approached this Court by filing W.P.No.12180 of 2004 and the said writ petition was disposed of, with a direction to the respondent to consider the representations of the petitioner and dispose of the same, expeditiously. Had the respondent remained indifferent to the directions issued by this Court, it would have been open for the petitioner to file a contempt case, or if there exists any impediment in it, to file a fresh writ petition.

Even according to the petitioner, the respondent addressed a letter, dated 04.05.2005, rejecting the claim of the petitioner by stating four reasons. A perusal of the said letter discloses that the petitioner did not submit the list of students for the two years referred to above, within the stipulated time and that necessary certifications, from the Principals of Schools, were not furnished. The other reasons are to the effect that the department did not receive any representations of the petitioner, and that contradictory reports have been issued as regards the inspection of the hostel by different agencies. The petitioner did not choose to challenge the letter, dated 04.05.2005. The fact, that the petitioner made a subsequent representation for the same amounts makes little difference as long as the order, dated 04.05.2004, remains unassailed. Therefore, this Court does not find any basis to entertain the writ petition and the same is, accordingly, dismissed. It shall however be open to the petitioner to pursue its remedies, against the letter dated 04.05.2005. There shall be no order as to costs.

01.02.2006

dr